

APPEAL NO. 023051  
FILED JANUARY 13, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on November 6, 2002. On the only disputed issue before her, the hearing officer determined that the respondent (claimant) had disability from April 8 through August 11, 2002.

The appellant (self-insured) appealed, contending that any inability by the claimant to work after October 12, 2001, is not due to the compensable injury. The file does not contain a response from the claimant.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury in the form of a spider bite on \_\_\_\_\_. The claimant testified that pain and swelling at the site of the bite comes and goes. The claimant's treating doctor initially released the claimant to full duty and certified him at maximum medical improvement (MMI) on February 25, 2002, with a one percent impairment rating. This rating was disputed and subsequently a designated doctor certified that the claimant was not at MMI. The self-insured's position is that the claimant's compensable injury had resolved by October 12, 2001. The claimant had returned to work and all benefits (including impairment income benefits) had been paid through April 7, 2002. The claimant's treating doctor again took the claimant off work due to pain and swelling from the spider bite on April 8, 2002. At issue are temporary income benefits from April 8, 2002. The carrier's peer review doctor is of the opinion that the claimant's compensable injury had resolved by September 2001.

The medical evidence was clearly in conflict. The 1989 Act provides that the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). Where there are conflicts in the evidence, the hearing officer resolves the conflicts and determines what facts the evidence has established. As an appeals body, we will not substitute our judgment for that of the hearing officer when the determination is not so against the overwhelming weight of the evidence as to clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Texas Workers' Compensation Commission Appeal No. 950456, decided May 9, 1995.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**CR  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE)**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Daniel R. Barry  
Appeals Judge

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Chris Cowan  
Appeals Judge